

Unites States District Court  
In and For the District Of Delaware

Johnnie M. DuBose

Plaintiff

C.A. NO. 07-45 MPT

Vs

Michael Walsh, in his capacity  
As New Castle County Sheriff  
American Business Credit, Inc (ABC)  
Robert K. Beste Jr. Maggie Clausell

FILED  
CLERK, U.S. DISTRICT COURT  
DISTRICT OF DELAWARE  
2007 OCT 29 AM 8:57

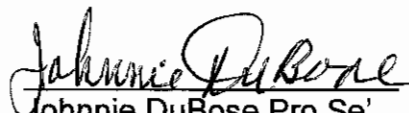
Motion for Reconsideration: Motion for Default Judgment

Come Now plaintiff, Pro Se' and respectfully moves this court for re-consideration of Magistrate Judges' denial of Plaintiffs Motion for Default Judgement pursuant to FRCP 7 (Pleadings) Allowed. In support there of:

1. Restated and incorporated motion for default judgment filed March 15 2007.
2. Court failed to order a reply to or an answer to original complaint.
3. Court failed to apply the United States District Court three standard rule tests that the Supreme Court of the United States and the Third Circuit Court of Appeals has held that a District Court must consider.
4. Court, in denying plaintiff's motion for default judgment failed to apply three factors of case law (1) Prejudice (2) Merit (3) Culpability.
5. Plaintiff was not given any notice in writing of the date and time of a hearing of defendant's motion to dismiss as mandated by FRCP (7) pleadings allowed: Forms of Motions.
6. The court held a teleconference in which American Business Credit, Inc. did not participate. They have not responded in any manner even though they were properly served a complaint and summons by first class mail to American Business Credit, Inc c/o Wilmington Trust SP Services (Delaware) Inc 103 Springer Building 3411 Silverside Road Wilmington, Delaware 19810 and c/co George L Miller, Chapter 7 Trustee, Miller Coffery Tate LLP 8 Penn Center, Suite 980 Philadelphia, PA 19103

As said defendants failed to answer complaint in required 20 days and defendants untimely filing of motion to dismiss are in violation of FRCP 12 (b) evidenced by Civil docket.

Date: October 29 2007

  
Johnnie DuBose Pro Se'  
4 Teakwood Lane  
Wilmington, DE 19810

CERTIFICATE OF SERVICE

I, hereby certify that on October 29, 2007, I caused to be delivered by hand (2) copies of the attached motion for Re-consideration of Plaintiffs Motion for Default Judgement:

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1007 Orange Street  
Wilmington, Delaware 19801

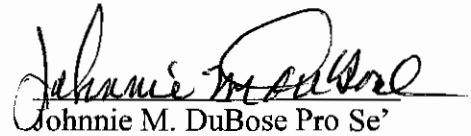
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